

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Mitsunori Iwamoto, et al.

Application No.: Not Yet Assigned

Group Art Unit: 1637

Filed: Concurrently Herewith

Examiner: Young J. Kim

For: NOVEL PROTEIN, ITS GENE, REAGENTS
FOR INDUCING APOPTOSIS AND
ANTICANCER AGENTS

INFORMATION DISCLOSURE STATEMENT (IDS)

MS Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In order to comply with the duty to disclose information under 37 C.F.R. § 1.56, Applicants submit herewith an Information Disclosure Statement ("IDS") in accordance with 37 C.F.R. §§ 1.97 and 1.98. In particular, Applicants submit herewith Form PTO/SB/08 listing references for consideration by the Examiner.

This application is a divisional of copending U.S. patent application Serial No. 09/912,176 filed on July 24, 2001 (hereinafter referred to as "the '176 application"). The '176 application is, in turn, a divisional of U.S. patent application Serial No. 09/230,388 filed on January 22, 1999 (hereinafter referred to as "the '388 application") and now issued as U.S. Patent No. 6,291,644. To avoid overburdening the Examiner, copies of the references cited in the accompanying Form PTO/SB/08 are not submitted herewith as the references are already of record in these prior applications. Specifically, copies of references 1-2 and 4-7 listed in the accompanying Form PTO/SB/08 are already of record in the '388 application. Copies of references 3 and 8-9 are of record in the '176 application.

In accordance with MPEP Sections 609 and 707.05(b), Applicants are filing this Information Disclosure Statement so that the listed information will be printed on the patent. It is requested that each document cited (including any reference or other document cited in applicant's specification which is not repeated on the attached SB/08) be given through consideration by the Examiner, and that it be cited of record in the prosecution history of the present application by initialing FORM PTO SB/08 next to the document. Such initialing is requested even if the Examiner does not consider a cited document to be sufficiently pertinent to use in a rejection, or otherwise does not consider it to be prior art for any reason. This is requested so that each document becomes listed on the face of the patent issuing on the present application.

This IDS is being submitted in compliance with 37 C.F.R. § 1.56. However, the citation of any document in this IDS is not to be construed as an admission that such document is necessarily available as prior art to the claimed invention. No representation is intended that the cited documents represent the results of a complete search, and it is anticipated that the Examiner, in the normal course of examination, will make an independent search to determine the best prior art consistent with 37 C.F.R. § 1.104(a) and 1.106(b) and, in the course of each search, will review for relevance every document cited on the attached form even if not initialed.

It is believed that no fee is required for this submission. However, should the U.S. Patent and Trademark Office determine that any fee is required or that any refund is due for this application, the Commissioner is hereby authorized and requested to charge any required fee(s)

and/or credit any refund(s) due to our Deposit Account No. 04-0100. Early an favorable consideration of the application and this IDS is earnestly solicited.

Dated: August 20, 2003

Respectfully submitted,

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Substitute for form 1449A/B/PTO				Complete If Known	
				Application Number	Not Yet Assigned
				Filing Date	Concurrently Herewith
				First Named Inventor	Mitsunori Iwamoto
				Art Unit	1637
				Examiner Name	Young J. Kim
Sheet	1	of	1	Attorney Docket Number	4703/1F214US2

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
	1	US-5,266,683	11/1993	Oppermann et al.	
	2	US-5,428,147	06/1995	Barker et al.	

FOREIGN PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)			
	3	WO 90/00195	01-11-1990		

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. **CITE NO.: Those patent(s) or publication(s) which are marked with an double asterisk (**) next to the Cite No. are not supplied because they were previously cited by or submitted to the Office in a prior application relied upon in this application for an earlier filing date under 35 U.S.C. 120. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

NON PATENT LITERATURE DOCUMENTS					
Examiner Initials	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.			
	4	Soutschek J. et al. Apoptosis in the cerebellum of adult teleost fish, <i>Apteronotus Leptorhynchus</i> , G.K.H.			
	5	Zupanc/Developmental Brain Research 97 (1996), Vol. 97 No. 2, pp. 279-286.			
	6	Protein, Nucleic Acid and Enzyme, Vol. 41, No. 2, 1996.			
	7	Protein, Nucleic Acid and Enzyme, Vo. 41, No. 92, 1996.			
	8	Andrews, PW et al., "Inhibition of proliferation and induction of differentiation of pluripotent human embryonal carcinoma cells by osteogenic protein-1 (or bone morphogenetic protein-7), <i>Laboratory Investigation</i> , 1994, 71/2, pages 243-251			
	9	Sang-Kee Jung et al., "Purification and Cloning of an Apoptosis-Inducing protein Dervied from Fish Infected with <i>Anisakis simplex</i> , a Causative Nematode of Human Anisakiasis," <i>Journal of Immunology</i> , August 1, 2000, 165; (3); pages 1495-1497.			

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. **CITE NO.: Those patent(s) or publication(s) which are marked with an double asterisk (**) next to the Cite No. are not supplied because they were previously cited by or submitted to the Office in a prior application relied upon in this application for an earlier filing date under 35 U.S.C. 120.

¹Applicant's unique citation designation number (optional). ²Applicant is to place a check mark here if English language Translation is attached.

Examiner Signature	Date Considered
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